



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,712	09/11/2000	Peter Heiler	A-2528	4157

24131 7590 05/31/2005  
LERNER AND GREENBERG, PA  
P O BOX 2480  
HOLLYWOOD, FL 33022-2480

EXAMINER

CRENSHAW, MARVIN P

ART UNIT PAPER NUMBER

2854

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/658,712	<b>Applicant(s)</b> HEILER ET AL.	
	<b>Examiner</b> Marvin P. Crenshaw	<b>Art Unit</b> 2854	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on the appeal brief on 03/02/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 3, 5 - 14 and 17 - 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 3, 5 - 14 and 17 - 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- |   |  |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

In view of the Appeal Brief filed on March 02, 2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 - 3 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Bachmeir et al.

Bachmeir et al. teaches a rotatable body (Fig. 1) for printing machines comprising a circumferential surface provided with a surface structure and formed of a nonmetallic material (See col. 1, lines 10 – 23), said circumferential surface carrying a liquid and being a slip roller said surface structure being irregularly structured.

With respect to claim 2, Bachmeir et al. teaches a printing machine wherein the roller serves for carrying one of ink and emulsion (See Col. 1, lines 21- 23).

With respect to claim 3, Bachmeir et al. teaches a printing machine wherein during printing, said roller is in permanent engagement (Fig. 1) with two other rollers.

With respect to claim 10, Bachmeir teaches a printing machine comprising at least one roller (Fig. 1) with a circumferential surface provided with a surface structure and formed of a nonmetallic material (See col. 1, lines 10 – 23), said circumferential surface carrying a liquid, and said roller being selected from the group of rollers consisting of a slip roller and a ductor roller, said surface structure being irregularly structured (See Col. 1, lines 21- 23).

Claims 17 – 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Bachmeir et al.

Bachmeir et al. teaches a rotatable body for printing machines (Fig. 1) the rotatable body comprising a circumferential surface (See col. 1, lines 10 - 23) being formed of a nonmetallic material (See col. 1, lines 10 - 23) and having a surface structure selected from one of the group consisting of a multiplicity of dimples (See col.

Art Unit: 2854

1, lines 10 – 23) formed in the circumferential surface and the circumferential surface carrying a liquid and being a roller selected from the group of rollers consisting of a slip roller and a doctor roller.

With respect to claim 20, Bachmeir teaches a printing machine comprising at least one roller with a circumferential surface (See col. 1, lines 10 - 23) provided with a surface structure and formed of a nonmetallic material (See col. 1, lines 10 - 23), said circumferential surface carrying a liquid, said roller being selected from the group of rollers consisting of a slip roller and a doctor roller, and the surface structure being one of the group consisting of a multiplicity of dimples (See col. 1, lines 10 – 23) formed in the circumferential surface.

With respect to claim 18 and 21, Bachmeir et al. teaches a rotatable body wherein the nonmetallic material is a material selected from the group consisting of soft rubber, soft plastic material, hard rubber, and hard plastic material (See col. 1, lines 10 - 23).

With respect to claim 19 and 22, Bachmeir et al. teaches a rotatable body wherein the circumferential surface carries a material selected from the group consisting of a viscid liquid, an offset printing ink, a printing-ink emulsion, and a dampening solution emulsion (See col. 1, lines 10 – 23).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2854

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 3 and 5 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachmeir et al. in view of Junghans (GB 2206311).

Bachmeir et al. teaches a rotatable body (Fig. 1) for printing machines comprising a circumferential surface provided with a surface structure and formed of a nonmetallic material, said circumferential surface carrying a liquid and being a slip roller , said surface structure being irregularly structured (See Col. 1, lines 21- 23).

However, Bachmeir does not teach a rotatable body wherein the surface structure being irregularly structured.

Junghans teaches a rotatable body wherein the surface structure being irregularly structured (Helical, Fig. 2).

It would have been obvious to modify Bachmeir et al. to have a rotatable body to have the surface structure being irregularly structured as taught by Junghans to provide an efficient means for controlling the amount of ink or emulsions while printing.

With respect to claim 2, Bachmeir et al. teaches a printing machine wherein the roller serves for carrying one of ink and emulsion (See col. 1, lines 21 - 23).

With respect to claim 3, Bachmeir et al. teaches a printing machine wherein during printing, said roller is in permanent engagement (Fig. 1) with two other rollers.

With respect to claim 5, Bachmeir teaches the nonmetallic material (See col. 1, lines 10 - 23) is selected from the group of materials consisting of hard rubber and hard plastic material.

With respect to claim 6, Bachmeir teaches a surface structure is made up of a multiplicity of dimples (See col. 1, lines 10 - 23) formed in the circumferential surface.

With respect to claim 7, Bachmeir does not teach the surface is formed of slats.

Junghans teaches the surface is formed of slats (Fig. 2).

It would have been obvious to modify Bachmeir et al. to have the surface formed as slats as taught by Junghans because the slats are excellent for carrying or transferring fluids to another roller.

With respect to claim 8, the printing machine having an arithmetical average height of the surface structure is at least 12 microns is merely a design choice for controlling the amount of liquid to be transformed to the other rollers during printing.

With respect to claim 9, Bachmeir teaches the nonmetallic material (See col. 1, lines 10 - 23) is selected from the group of materials consisting of soft rubber and soft plastic material.

With respect to claim 10, Bachmeir teaches a printing machine comprising at least one roller(Fig. 1) with a circumferential surface provided with a surface structure and formed of a nonmetallic material (See col. 1, lines 10 – 23), said circumferential surface carrying a liquid, and said roller being selected from the group of rollers consisting of a slip roller and a ductor roller, said surface structure being irregularly structured (See Col. 1, lines 21- 23).

With respect to claim 11-14, Bachmeir teaches having a rotatable body having a circumferential surface for carrying a viscid liquid, offset printing ink, a printing-ink emulsion and a dampening-solution, Bachmeir teaches a circumferential surface (See col. 1, lines 10 - 23) for a roller for use in conventional printing presses that is used to carry any liquid of use in the press.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marvin P. Crenshaw whose telephone number is (571) 272-2158. The examiner can normally be reached on Monday - Thursday 7:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Application/Control Number: 09/658,712

Page 8

Art Unit: 2854



MPC

May 17, 2005



Daniel J. Colilla  
Primary Examiner  
Art Unit 2854